

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Emergency Telephone System Act is amended by  
5 changing Sections 2.12 and 15.3 and by adding Section 2.21 as  
6 follows:

7 (50 ILCS 750/2.12) (from Ch. 134, par. 32.12)

8 Sec. 2.12. (a) For the purposes of this Act, "network  
9 connections" means the number of voice grade communications  
10 channels directly between a subscriber and a  
11 telecommunications carrier's public switched network, without  
12 the intervention of any other telecommunications carrier's  
13 switched network, which would be required to carry the  
14 subscriber's inter-premises traffic and which connection  
15 either (1) is capable of providing access through the public  
16 switched network to a 9-1-1 Emergency Telephone System if one  
17 exists, or, (2) if no system exists at the time a surcharge is  
18 imposed under Section 15.3 which would be capable of providing  
19 access through the public switched network to the local 9-1-1  
20 Emergency Telephone System if one existed.

21 (b) For the purposes of this Act, no telecommunications  
22 carrier providing facilities-based local exchange  
23 telecommunications service prior to January 1, 1986 shall be

1 required to offer or provide sophisticated 9-1-1 system  
2 features such as selective call routing in any area where that  
3 carrier's local switching facility does not have the capability  
4 to do so.

5 (c) For the purposes of this Act, "telecommunication  
6 carrier" does not include a cellular or other mobile  
7 communication carrier.

8 (d) Where multiple voice grade communication channels are  
9 connected to a telecommunication carrier's public switched  
10 network through a private branch exchange service (PBX), there  
11 shall be determined to be one network connection for each trunk  
12 line capable of transporting either the subscriber's  
13 inter-premises traffic to the public switched network or the  
14 subscriber's 9-1-1 calls to the public agency. Where multiple  
15 voice grade communication channels are connected to a  
16 telecommunication carrier's public switched network through  
17 centrex type service, the number of network connections shall  
18 be equal to the number of PBX trunk equivalents for the  
19 subscriber's service, as determined by reference to any  
20 generally applicable exchange access service tariff filed by  
21 the subscriber's telecommunications carrier with the  
22 Commission. Where multiple voice grade communication channels  
23 are connected to a telecommunication carrier's public switched  
24 network through a high-speed channelized service, there shall  
25 be determined to be one network connection for each T-1  
26 facility capable of transporting either the subscriber's

1 inter-premises traffic to the public switched network or the  
2 subscriber's 9-1-1 calls to the public agency. ~~This subsection~~  
3 ~~is not intended to make any change in the meaning of this~~  
4 ~~Section, but is intended to remove possible ambiguity, thereby~~  
5 ~~confirming the intent of paragraph (a) as it existed prior to~~  
6 ~~and following the effective date of this amendatory Act of~~  
7 ~~2002.~~

8 (Source: P.A. 92-557, eff. 1-1-03.)

9 (50 ILCS 750/2.21 new)

10 Sec. 2.21. High-speed channelized service. "High-speed  
11 channelized service" means any advanced telecommunications  
12 service system, such as, but not limited to, Digital Channel  
13 Service (DCS) or ISDN PRI that is provisioned through the use  
14 of T-1 facilities and that is capable of providing  
15 communications between internal stations and external  
16 networks.

17 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

18 Sec. 15.3. Surcharge.

19 (a) The corporate authorities of any municipality or any  
20 county may, subject to the limitations of subsections (c), (d),  
21 and (h), and in addition to any tax levied pursuant to the  
22 Simplified Municipal Telecommunications Tax Act, impose a  
23 monthly surcharge on billed subscribers of network connection  
24 provided by telecommunication carriers engaged in the business

1 of transmitting messages by means of electricity originating  
2 within the corporate limits of the municipality or county  
3 imposing the surcharge at a rate per network connection  
4 determined in accordance with subsection (c). Provided,  
5 however, that where multiple voice grade communications  
6 channels are connected between the subscriber's premises and a  
7 public switched network through private branch exchange (PBX),  
8 high-speed channelized service, or centrex type service, a  
9 municipality imposing a surcharge at a rate per network  
10 connection, as determined in accordance with this Act, shall  
11 impose 5 such surcharges per network connection, as determined  
12 in accordance with subsections (a) and (d) of Section 2.12 of  
13 this Act. For mobile telecommunications services, if a  
14 surcharge is imposed it shall be imposed based upon the  
15 municipality or county that encompasses the customer's place of  
16 primary use as defined in the Mobile Telecommunications  
17 Sourcing Conformity Act. A municipality may enter into an  
18 intergovernmental agreement with any county in which it is  
19 partially located, when the county has adopted an ordinance to  
20 impose a surcharge as provided in subsection (c), to include  
21 that portion of the municipality lying outside the county in  
22 that county's surcharge referendum. If the county's surcharge  
23 referendum is approved, the portion of the municipality  
24 identified in the intergovernmental agreement shall  
25 automatically be disconnected from the county in which it lies  
26 and connected to the county which approved the referendum for

1 purposes of a surcharge on telecommunications carriers.

2 (b) For purposes of computing the surcharge imposed by  
3 subsection (a), the network connections to which the surcharge  
4 shall apply shall be those in-service network connections,  
5 other than those network connections assigned to the  
6 municipality or county, where the service address for each such  
7 network connection or connections is located within the  
8 corporate limits of the municipality or county levying the  
9 surcharge. Except for mobile telecommunication services, the  
10 "service address" shall mean the location of the primary use of  
11 the network connection or connections. For mobile  
12 telecommunication services, "service address" means the  
13 customer's place of primary use as defined in the Mobile  
14 Telecommunications Sourcing Conformity Act. With respect to  
15 network connections provided for use with pay telephone  
16 services for which there is no billed subscriber, the  
17 telecommunications carrier providing the network connection  
18 shall be deemed to be its own billed subscriber for purposes of  
19 applying the surcharge.

20 (c) Upon the passage of an ordinance to impose a surcharge  
21 under this Section the clerk of the municipality or county  
22 shall certify the question of whether the surcharge may be  
23 imposed to the proper election authority who shall submit the  
24 public question to the electors of the municipality or county  
25 in accordance with the general election law; provided that such  
26 question shall not be submitted at a consolidated primary

1 election. The public question shall be in substantially the  
2 following form:

3 -----

4 Shall the county (or city, village  
5 or incorporated town) of ..... impose YES  
6 a surcharge of up to ...¢ per month per  
7 network connection, which surcharge will  
8 be added to the monthly bill you receive -----  
9 for telephone or telecommunications  
10 charges, for the purpose of installing  
11 (or improving) a 9-1-1 Emergency NO  
12 Telephone System?

13 -----

14 If a majority of the votes cast upon the public question  
15 are in favor thereof, the surcharge shall be imposed.

16 However, if a Joint Emergency Telephone System Board is to  
17 be created pursuant to an intergovernmental agreement under  
18 Section 15.4, the ordinance to impose the surcharge shall be  
19 subject to the approval of a majority of the total number of  
20 votes cast upon the public question by the electors of all of  
21 the municipalities or counties, or combination thereof, that  
22 are parties to the intergovernmental agreement.

23 The referendum requirement of this subsection (c) shall not  
24 apply to any municipality with a population over 500,000 or to  
25 any county in which a proposition as to whether a sophisticated  
26 9-1-1 Emergency Telephone System should be installed in the

1 county, at a cost not to exceed a specified monthly amount per  
2 network connection, has previously been approved by a majority  
3 of the electors of the county voting on the proposition at an  
4 election conducted before the effective date of this amendatory  
5 Act of 1987.

6 (d) A county may not impose a surcharge, unless requested  
7 by a municipality, in any incorporated area which has  
8 previously approved a surcharge as provided in subsection (c)  
9 or in any incorporated area where the corporate authorities of  
10 the municipality have previously entered into a binding  
11 contract or letter of intent with a telecommunications carrier  
12 to provide sophisticated 9-1-1 service through municipal  
13 funds.

14 (e) A municipality or county may at any time by ordinance  
15 change the rate of the surcharge imposed under this Section if  
16 the new rate does not exceed the rate specified in the  
17 referendum held pursuant to subsection (c).

18 (f) The surcharge authorized by this Section shall be  
19 collected from the subscriber by the telecommunications  
20 carrier providing the subscriber the network connection as a  
21 separately stated item on the subscriber's bill.

22 (g) The amount of surcharge collected by the  
23 telecommunications carrier shall be paid to the particular  
24 municipality or county or Joint Emergency Telephone System  
25 Board not later than 30 days after the surcharge is collected,  
26 net of any network or other 9-1-1 or sophisticated 9-1-1 system

1 charges then due the particular telecommunications carrier, as  
2 shown on an itemized bill. The telecommunications carrier  
3 collecting the surcharge shall also be entitled to deduct 3% of  
4 the gross amount of surcharge collected to reimburse the  
5 telecommunications carrier for the expense of accounting and  
6 collecting the surcharge.

7 (h) Except as expressly provided in subsection (a) of this  
8 Section, a municipality with a population over 500,000 may not  
9 impose a monthly surcharge in excess of \$1.25 per network  
10 connection.

11 (i) Any municipality or county or joint emergency telephone  
12 system board that has imposed a surcharge pursuant to this  
13 Section prior to the effective date of this amendatory Act of  
14 1990 shall hereafter impose the surcharge in accordance with  
15 subsection (b) of this Section.

16 (j) The corporate authorities of any municipality or county  
17 may issue, in accordance with Illinois law, bonds, notes or  
18 other obligations secured in whole or in part by the proceeds  
19 of the surcharge described in this Section. Notwithstanding any  
20 change in law subsequent to the issuance of any bonds, notes or  
21 other obligations secured by the surcharge, every municipality  
22 or county issuing such bonds, notes or other obligations shall  
23 be authorized to impose the surcharge as though the laws  
24 relating to the imposition of the surcharge in effect at the  
25 time of issuance of the bonds, notes or other obligations were  
26 in full force and effect until the bonds, notes or other

1 obligations are paid in full. The State of Illinois pledges and  
2 agrees that it will not limit or alter the rights and powers  
3 vested in municipalities and counties by this Section to impose  
4 the surcharge so as to impair the terms of or affect the  
5 security for bonds, notes or other obligations secured in whole  
6 or in part with the proceeds of the surcharge described in this  
7 Section.

8 (k) Any surcharge collected by or imposed on a  
9 telecommunications carrier pursuant to this Section shall be  
10 held to be a special fund in trust for the municipality, county  
11 or Joint Emergency Telephone Board imposing the surcharge.  
12 Except for the 3% deduction provided in subsection (g) above,  
13 the special fund shall not be subject to the claims of  
14 creditors of the telecommunication carrier.

15 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,  
16 eff. 1-1-03; revised 10-2-02.)

17 (50 ILCS 750/13 rep.) (from Ch. 134, par. 43)

18 Section 90. The Emergency Telephone System Act is amended  
19 by repealing Section 13.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.